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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------------------|---------------------|------------------|
| 10/628,173 | 07/28/2003 | Charles J. Thomas | Q1014/20014 | 5596 |
| 3000 7590 04/01/2008 CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOV, LTD. 11TH FLOOR, SEVEN PENN CENTER 1635 MARKET STREET PHILADELPHIA, PA 19103-2212 | | | | |
| EXAMINER PYZOCHE, MICHAEL J | | | | |
| ART UNIT 2137 | | PAPER NUMBER | | |
| NOTIFICATION DATE 04/01/2008 | | DELIVERY MODE ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@crbcp.com

Office Action Summary

Application No.

10/628,173

Applicant(s)

THOMAS ET AL.

Examiner

MICHAEL PYZOSHA

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-12, 14-24, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-12, 14-24, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 2-12, 14-24, 27, and 28 are pending.
2. Amendment filed 02/19/2008 has been received and considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 10-12, 16-18, 27, and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Conkwright et al. (US 7139723) in view of Connelly (US 7055165).

As per claims 27 and 28, Conkwright et al. discloses a method and system for obscuring the identity of the course of a message while allowing the content of the message, and subsequent messages, issued from that source to be analyzed, and wherein the source is coupled to a cable television system for receiving television programming content therefrom, comprising the steps of: forming the content of a message issued from the

source to form a first message, said first message containing source identification indicia, said first message being transmitted upstream to a remote device on the cable television system (see column 4 line 58 through column 5 line 9); receiving said first message by said remote device (see column 10 lines 55-65); substituting said source identification indicia with anonymous identification indicia, wherein said anonymous identification indicia can be traced back to the source by a cable operator entity of the cable television system but cannot be traced back to the source by a third party (see column 4 line 58 through column 5 line 17 and column 11 lines 5-17) and encrypting said first message along with said anonymous identification indicia into a second message and transmitting said second message to a location to be analyzed (see column 11 lines 5-39).

Conkwright fails to disclose encrypting and decrypting the first message.

However, Connelly teaches encrypting content of a message issued from the source to form a first message, said first message containing source identification indicia, said first message being transmitted upstream to a remote device on the cable television system (see column 23 lines 1-15); decrypting

said first message into a first decrypted message upon receipt of said first message by said remote device (see column 23 lines 15-24);.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to encrypt the first message of Conkwright.

Motivation to do so would have been to protect the privacy of the users (see Connelly column 23 lines 1-24).

As per claims 10 and 16, the modified Conkwright and Connelly system discloses the source is a set top box (see Connelly column 5 lines 33-36).

As per claims 11, 12, 17, and 18, the modified Conkwright and Connelly system fails to explicitly disclose the source is a cell phone or a PDA. However, Official Notice is taken that at the time of the invention one of ordinary skill in the art would have recognized to use a cell phone or a PDA as the source in the modified Conkwright and Connelly system. Motivation to do so would have been to allow for the system to be implemented in portable devices.

5. Claims 2, 3, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Conkwright and Connelly

system as applied to claims 27 and 28 above, and further in view of Demello et al. (US 20010036224).

As per claims 2, 3, 14, and 15, the modified Conkwright and Connelly system fails to disclose generating the anonymous identification indicia using a hash algorithm such that the indicia is consistent for each source.

However, Demello et al. teaches such generation of anonymous identification indicia (see paragraph [0136]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the generation method of Demello et al. in the modified Conkwright and Connelly system.

Motivation to do so would have been to create a unique identifier (see Demello et al. paragraph [0136]).

6. Claims 4, 5, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Conkwright and Connelly system as applied to claim 27 and 28 above, and further in view of Basawapatna et al. (US 6598231).

As per claims 4, 5, 19, and 20, the modified Conkwright and Connelly system fails to explicitly disclose the substituting step is performed at a secure location not accessible without assistance.

However, Basawapatna et al. teaches such a secure facility (see column 6 line 53 through column 7 line 7).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to store the equipment of the modified Conkwright and Connelly system in secure buildings and structures.

Motivation to do so would have been to protect against theft (see Basawapatna et al. column 6 line 53 through column 7 line 7).

7. Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Conkwright et al., Connelly and Basawapatna et al. system as applied to claims 4 and 19 above, and further in view of Menezes et al. (Handbook of Applied Cryptography).

As per claims 6 and 21, the modified Conkwright and Connelly system fails to explicitly disclose that the secure system is protected by a password.

However, Menezes et al. teaches the use of a password, which is only known to a certain user, to gain access to a computer (see page 383).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use a password on the

system of the modified Conkwright, et al., Connelly and Basawapatna et al. system.

Motivation to do so would have been to restrict access to the computer system.

8. Claims 7, 8, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Conkwright and Connelly system as applied to claims 27 and 28 above, and further in view of Spinney et al. (US 5390173).

As per claims 7, 8, 22, and 23, the modified Conkwright and Connelly system fails to explicitly disclose inserting system network segment data into the first decrypted message.

However, Spinney et al. teaches inserting network segment data into information traveling over a network (see column 1 lines 57-67)

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the network segment data in the message of the modified Conkwright and Connelly system.

Motivation to do so would have been that packets can be routed by link number instead of the destination node address (see Spinney et al. column 1 lines 57-67).

9. Claims 9 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Conkwright and Connelly system as applied to claims 7 and 24 above, and further in view of Link et al. (US 20020059632).

As per claims 9 and 24, the modified Conkwright and Connelly system fails to disclose the source data comprises cluster code data.

However, Link et al. teaches the use of cluster code data (see paragraph [0076]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the cluster code data of Link et al. in the source data of the modified Conkwright and Connelly system.

Motivation to do so would have been to group the viewing population based on socioeconomic factors (see Link et al. paragraph [0076]).

Response to Arguments

10. Applicant's arguments with respect to claims 2-12, 14-24, 27, and 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOCHA whose telephone number is (571)272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2137